## SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

CV 2010-003106 11/09/2010

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

KEITH DEERING, et al. LANCE R BROBERG

v.

GARY WHITING, et al. GREGORY G MCGILL

WADE M BURGESON PAUL A CONANT MARK DEATHERAGE JARED C SIMMONS AMY J GITTLER DONALD F ENNIS STEVEN D JEROME

## MINUTE ENTRY

9:35 a.m. This is the time set for the continuation of Evidentiary Hearing. Plaintiffs in CV2010-003106, plaintiffs in CV2010-006635 and defendants, Karl and Diana Hiatt, Dark Comet Games, LLC, Fresh Start Studios, LLC in CV2010-025559 are represented by counsel, Paul A. Conant and Melissa A. Emmel. Intervenors, Samual Dalembert, David Roberts and Hetal Shah are telephonically represented by counsel, Mark Deatherage. Court appointed Receiver, Edward M. Burr, Jr. is represented by counsel, Wade M. Burgeson. Defendant, Gary Whiting is present on his own behalf. Defendants, CME Board of Directors and CMG Board of Directors are represented by counsel, Gregory G. McGill.

Court Reporter Scott Coniam is present and a recording of the proceedings is made by audio and/or videotape.

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Dale Grabois is sworn and testifies.

10:42 a.m. Court stands at recess.

11:00 a.m. Court reconvenes with respective parties and counsel.

Court Reporter Scott Coniam is present and a recording of the proceedings is made by audio and/or videotape.

Defendants, CME Board of Directors and CMG Board of Directors' Exhibits 16 and 38 and defendant, Gary Whiting's exhibits 64 and 68 are received in evidence.

Dale Grabois testifies further.

11:57 a.m. Court stands at recess.

1:30 p.m. Court reconvenes with respective parties and counsel.

Court Reporter Scott Coniam is present and a recording of the proceedings is made by audio and/or videotape.

Plaintiffs' exhibits 1-9 and 69 are received in evidence.

Dale Grabois continues to testify.

Dale Grabois is excused.

2:55 p.m. Court stands at recess.

3:17 p.m. Court reconvenes with respective parties and counsel.

Court Reporter Scott Coniam is present and a recording of the proceedings is made by audio and/or videotape.

Robert A. McDowell is sworn and testifies.

A portion of an audiotape of the March 23, 2010 meeting with Jerry Dale Belt, a

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representative with Sierra Consulting Group, LLC which was the receiver at the time of the

meeting, is played in open court.

Plaintiffs' exhibit 78 is marked for identification and received in evidence.

Mr. McDowell is excused.

Jerry Dale Belt is sworn and testifies.

Receiver's exhibit 79 is marked for identification and received in evidence.

Mr. Belt is excused.

Closing arguments are presented.

IT IS ORDERED taking these matters under advisement.

There being no further need to retain the exhibits not offered in evidence in the custody of

the Clerk of the Court.

IT IS ORDERED permanently releasing all exhibits not offered in evidence to the

counsel/party causing them to be marked.

Defendants' exhibits 13-15, 17, 18, 20-24, 25-37, 39-47, 48, 50-52, 58-63 and 65-67 are

released to defendant, Gary Whiting.

IT IS FURTHER ORDERED that defendant, Gary Whiting take immediate possession of

all exhibits referenced above.

5:05 p.m. Hearing concludes.

FILED: Hearing Worksheet, Exhibit Worksheet

ISSUED: Exhibit Release Form (1)